



# House of Representatives

General Assembly

**File No. 447**

February Session, 2014

Substitute House Bill No. 5530

*House of Representatives, April 8, 2014*

The Committee on Public Health reported through REP. JOHNSON of the 49th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING BULK WATER HAULERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1      Section 1. (NEW) (*Effective from passage*) (a) On and after October 1,  
2      2014, no person shall act as a bulk water hauler unless such person has  
3      obtained a license issued by the Department of Public Health in  
4      accordance with this section. For purposes of this section: (1) "Bulk  
5      water hauling" means transporting water to a water company or a  
6      consumer of a water company, in bulk by any means, where such  
7      water is to be used for drinking, culinary purposes or any other  
8      purpose where it is likely that such water will be ingested or used by  
9      humans; (2) "bulk" means two hundred fifty gallons of water or more;  
10     (3) "consumer" has the same meaning as in section 25-32a of the  
11     general statutes; (4) "water company" has the same meaning as in  
12     section 25-32a of the general statutes; and (5) "commissioner" means  
13     the Commissioner of Public Health or the commissioner's designee.
- 14     (b) Each person seeking licensure as a bulk water hauler shall make

15 application on a form prescribed by the department, pay an  
16 application fee of one hundred dollars and present evidence  
17 satisfactory to the commissioner that the applicant has the  
18 qualifications necessary to engage in bulk water hauling.

19 (c) The commissioner shall establish (1) the qualifications to obtain a  
20 license as a bulk water hauler, and (2) requirements designed to ensure  
21 that any water transported by a bulk water hauler is fit for human use  
22 and consumption.

23 (d) Licenses shall be renewed once every two years in accordance  
24 with the provisions of section 19a-88 of the general statutes. The fee for  
25 renewal shall be one hundred dollars. No license shall be issued under  
26 this section to any applicant against whom professional disciplinary  
27 action is pending or who is the subject of an unresolved complaint in  
28 this or any other state or jurisdiction.

29 (e) Any water transported by bulk water hauling shall meet the  
30 requirements of section 25-32 of the general statutes and regulations  
31 adopted thereunder. No bulk water hauler shall deliver water to a  
32 consumer of a water company without first notifying the water  
33 company of such delivery. Bulk water hauling to a water company or a  
34 consumer of a water company shall be permitted only as a temporary  
35 measure to alleviate a short-term water supply shortage.

36 (f) The commissioner may periodically inspect any equipment or  
37 material used in connection with bulk water hauling, may investigate  
38 any water supply from which a bulk water hauler obtains water in  
39 accordance with section 25-34 of the general statutes and may issue  
40 any order necessary to protect the public health. Any order issued  
41 under this subsection shall not be stayed upon any appeal by a licensee  
42 under section 25-34 or 25-36 of the general statutes.

43 (g) The commissioner may adopt regulations, in accordance with  
44 the provisions of chapter 54 of the general statutes, to implement the  
45 provisions of this section.

46 (h) The commissioner may take any disciplinary action set forth in  
47 section 19a-17 of the general statutes against a bulk water hauler for  
48 any of the following reasons: (1) Fraud or deceit in obtaining or  
49 renewing a license to act as a bulk water hauler; (2) fraud or deceit in  
50 rendering services under the license; (3) negligent, incompetent or  
51 wrongful conduct in rendering services under the license; or (4)  
52 violation of any provision of this section or regulations adopted under  
53 this section. The commissioner may take action pursuant to said  
54 section 19a-17 after providing notice and an opportunity for a hearing  
55 on any contemplated action under said section 19a-17.

56 (i) Any person who violates any provision of this section shall, for  
57 each offense, be guilty of a class C misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

**PH** Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Judicial Dept.	GF - Potential Revenue Gain	Up to 3,000	Up to 1,000
Public Health, Dept.	GF - Revenue Gain	500 - 600	100 - 200

**Municipal Impact:** None

**Explanation**

The bill creates a new Department of Public Health (DPH) licensure category of "Bulk Water Hauler," resulting in a General Fund revenue gain of \$500 to \$600 in FY 15 and \$100 to \$200 in FY 16 from the collection of associated fees. The bill also establishes a class C misdemeanor for violations of the provisions of the bill, resulting in a potential revenue gain of up to \$3,000 in FY 15 and \$1,000 in FY 16.

It is estimated that five to six people will seek licensure in FY 15 and an additional one to two people will do so in FY 16. The application fee for licensure is \$100 under the bill and license renewal is once every two years. There is no cost to DPH to accommodate this new licensure category as anticipated applicants are few and the agency has expertise in licensure of water-related professions.<sup>1</sup>

**The Out Years**

The fiscal impact identified above would continue into the future

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<sup>1</sup>These include Water Treatment Plant Operator, Water Distribution System Operator, Small Water System Operator, Backflow Prevention Device Tester and Cross Connection Survey Inspector.

subject to the number of applicants for bulk water hauler licensure, the number of renewals and the number of violations of the provisions of the bill.

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**OLR Bill Analysis****sHB 5530*****AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S  
RECOMMENDATIONS REGARDING BULK WATER HAULERS.*****SUMMARY:**

Starting October 1, 2014, this bill requires bulk water haulers to be licensed with the Department of Public Health (DPH). "Bulk water hauling" is the transportation of more than 250 gallons of water to a system in which it is likely to be used or ingested by humans. It permits bulk water hauling only as a temporary measure to alleviate a short-term water shortage. The bill authorizes the DPH commissioner to adopt regulations to ensure the safety of water hauled by bulk and to implement the licensure process.

Under the bill, an individual who violates any bulk water hauling laws or regulations is guilty of a class C misdemeanor, punishable by imprisonment for up to three months, a fine of up to \$500, or both.

EFFECTIVE DATE: Upon passage

**BULK WATER HAULING*****Licensure***

Applications for a bulk water hauler license must be made on a DPH form and include satisfactory evidence that the applicant is qualified to engage in bulk water hauling. Applications and renewals (every two years) cost \$100. The bill prohibits granting a license to any applicant with a pending professional disciplinary action or unresolved complaint in Connecticut or another jurisdiction.

Under the bill, DPH must establish the qualifications for licensure as well as requirements designed to ensure that any water transported in bulk is fit for human use and consumption.

***Safety Requirements***

Any water transported in bulk must meet the laws and DPH regulations governing water quality, including the physical, radiological and microbiological standards set for public drinking water. In addition, the bill prohibits delivering bulk water to any consumer without first notifying his or her water company.

The bill also allows the commissioner to periodically inspect any equipment or material used in connection with bulk water hauling as well as the water supply from which the water originated. She may issue any order necessary to protect the public health. Such an order may not be stayed upon appeal by a licensee.

***Enforcement of Noncompliance***

The commissioner may take disciplinary action against a bulk water hauler for (1) fraud or deceit in obtaining or renewing a license; (2) fraud or deceit in rendering services under the license; (3) negligent, incompetent, or wrongful conduct; or (4) violating any bulk water hauling laws or regulations. The commissioner may take appropriate disciplinary action, including revoking or suspending license, after providing notice and an opportunity for a hearing.

**BACKGROUND*****Related Bills***

sSB 36 (File 101), reported favorably by the Environment and Appropriations committees, requires the public health commissioner, within available appropriations, to arrange for potable drinking water to be transported to residential and school buildings affected by pollution.

sHB 5420, reported favorably by the Environment Committee, requires the public health commissioner to make water available for the firefighting, economic, and public health needs of certain communities effected by pollution. It requires DPH to cover the full cost of providing such water.

sHB 5424, reported favorably by the Environment Committee, requires the Water Planning Council to develop water emergency response plans.

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute

Yea 26 Nay 0 (03/21/2014)